

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

AIR FORCE OFFICER , on behalf of herself)	
and all others similarly situated,)	
) Case No. 5:22-cv-00009-TES	
Plaintiff,)	
v.)	
))	
LLOYD J. AUSTIN, III , in his)	
official capacity as Secretary of Defense;)	
FRANK KENDALL, III , in his)	
official capacity as Secretary of the Air Force; and)	
ROBERT I. MILLER , in his)	
official capacity as Surgeon General of the)	
Air Force,)	
))	
Defendants.)	

**DECLARATION OF MARY CATHERINE HODES
IN SUPPORT OF MOTION FOR CLASS CERTIFICATION**

I, Mary Catherine Hodes, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am over the age of eighteen and am competent to make this declaration.
2. I am submitting this declaration in support of Plaintiff's Motion for Class Certification.
3. I am one of Plaintiff's attorneys in this case.
4. I am a lawyer licensed to practice in the State of Missouri, the State of Illinois (inactive), the United States District Court for the Eastern District of Missouri, and the United States Court of Appeals for the Second Circuit.

5. I am Special Counsel for the Thomas More Society, a not-for-profit, national public interest law firm dedicated to restoring respect in law for life, family, and religious liberty. The Thomas More Society provides pro bono legal representation to plaintiffs and defendants involved in complex civil rights and constitutional litigation nationwide.

6. The Thomas More Society and its attorneys have a substantial record of raising and diligently pursuing RFRA and First Amendment challenges to incursions on religious freedom.

7. For example, I and fellow Thomas More Society attorneys are awaiting determinations in the Eastern District of New York and the Second Circuit Court of Appeals as to our clients' RFRA and First Amendment challenges to New York State and New York City's "Boss Bills," which prohibit pro-life employers from refusing to hire someone who has had an abortion. *Slattery v. Cuomo*, No. 21-911 (2d. Cir.); *Slattery v. City of New York*, 1:20-cv-00580-PKC-RLM (E.D.N.Y.).

8. Prior to joining the Thomas More Society in 2018, I litigated constitutional and civil rights cases with D. John Sauer, now Solicitor General of the State of Missouri, first at Clark & Sauer, LLC, and then at James Otis Law Group, LLC.

9. From approximately 2008 to 2012, I practiced law at Schlichter, Bogard & Denton, in the appellate section of their ERISA fiduciary class action practice. The team I worked with brought novel, large-scale class actions against employers for breach of fiduciary duties within their 401(k) plans. Two of the cases I worked on, *Spano v. Boeing* and *Abbott v. Lockheed Martin*, were litigated for 9 years and ultimately resulted in \$57 million and \$62

million settlements, respectively, for employees. Courts have credited Schlichter's ERISA class action team for reforming the entire 401(k) industry through their numerous successful class actions challenging financial abuse: "The law firm Schlichter, Bogard & Denton has significantly improved 401(k) plans across the country by bringing cases such as this one[.]"
Spano v. Boeing Co., No. 06-743, 2016 WL 3791123, at *3 (S.D. Ill. Mar. 31, 2016).

10. The Thomas More Society is an entire law firm of specialists in the laws applicable in this case, including RFRA and the First Amendment. Our team has expended considerable effort already in connection with the preliminary injunction [Doc. 51] and formulating and presenting the legal issues before the Court in the First Amended Class Action Complaint. We are fully prepared to prosecute this matter on behalf of the Plaintiff and the proposed class.

11. I understand the nature and magnitude of the expenses involved in litigating class action lawsuits and, as attorneys associated with Thomas More Society, counsel have sufficient resources to vigorously prosecute this action.

Dated this 28th day of February 2022.

/s/ Mary Catherine Hodes
Mary Catherine Hodes